

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JOSEPH JOHN CRISCI,

Petitioner,

vs.

WILLIAM DONAT, *et al.*,

Respondents.

3:08-cv-0002-BES-VPC

ORDER

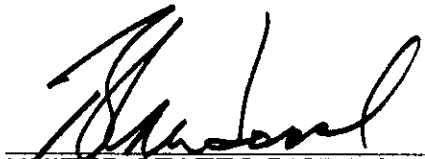
Petitioner submitted a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 on January 2, 2008, but he failed to simultaneously submit either a motion for leave to proceed *in forma pauperis* or payment of the \$5.00 filing fee. (Docket #1). By order filed January 9, 2008, this Court sent petitioner the correct form to file a motion for leave to proceed *in forma pauperis*. Plaintiff was directed to either file a completed *in forma pauperis* motion, or alternatively, to pay the \$5.00 filing fee within 30 days. (Docket #3).

Petitioner was advised that this action would be dismissed unless he complied with the Court's order. (Docket #3). The order of January 9, 2008, was apparently delivered to petitioner; it was not returned undelivered. Petitioner has not responded to the order. More than the allotted time has elapsed -- in fact, well over 3 months have passed -- and petitioner has not complied with the Court's order. Therefore, petitioner's action shall be dismissed without prejudice.

1 **IT IS THEREFORE ORDERED** that the Clerk shall **FILE** and docket petitioner's habeas
2 petition (received January 2, 2008).

3 **IT IS FURTHER ORDERED** that this action is **DISMISSED WITHOUT PREJUDICE** for
4 petitioner's failure to obey this Court's order of January 9, 2008. The Clerk shall **ENTER**
5 **JUDGMENT** accordingly.

6 DATED this 16th day of April, 2008.

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10 UNITED STATES DISTRICT JUDGE